

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ALLEN BOYD, et al.,

2:13-CV-332 JCM (PAL)

**Plaintiff(s),**

V.

## CASA NORTE APARTMENT, et al.,

Defendant(s).

## ORDER

16 Presently before the court is the motion/application to proceed *in forma pauperis* by plaintiffs  
17 Allen and Nikci Boyd. (Doc. # 3).

18 Also before the court is the report and recommendation of Magistrate Judge Leen. (Doc. #  
19 5). Neither plaintiff has filed objections the report and recommendation and the deadline date for  
20 filing objections has passed.

21 Plaintiffs filed a motion/application to proceed *in forma pauperis*. (Doc. # 1). Magistrate  
22 Judge Leen denied the application without prejudice and instructed plaintiffs how to amend the  
23 application so that it could be properly considered. (Doc. # 2). Plaintiffs filed a second  
24 motion/application to proceed *in forma pauperis*. (Doc. # 3). The plaintiffs did not make any of the  
25 required corrections that Magistrate Judge Leen ordered in her previous order. (See doc. # 2).

26 The deficiencies that plaintiffs failed to correct include: (1) plaintiffs filed a single  
27 application, and they each needed to fill out their own application; (2) plaintiffs originally filed the

1 application incomplete, and then re-filed a second incomplete application; and, (3) the magistrate  
 2 judge's previous order warned plaintiffs that failure to comply with the order could result in a  
 3 recommendation of dismissal to the district judge. (*See* doc. # 2).<sup>1</sup> Plaintiffs did not file objections  
 4 to the report and recommendation.

5 This court "may accept, reject, or modify, in whole or in part, the findings or  
 6 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects  
 7 to a magistrate judge's report and recommendation, then the court is required to "make a de novo  
 8 determination of those portions of the [report and recommendation] to which objection is made."  
 9 28 U.S.C. § 636(b)(1).

10 Where a party fails to object, however, the court is not required to conduct "any review at all  
 11 . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
 12 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
 13 judge's report and recommendation where no objections have been filed. *See United States v.*  
 14 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
 15 district court when reviewing a report and recommendation to which no objections were made); *see*  
 16 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's  
 17 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
 18 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's  
 19 recommendation, then this court may accept the recommendation without review. *See, e.g.*,  
 20 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation  
 21 to which no objection was filed).

22 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
 23 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
 24 and underlying briefs, this court finds good cause appears to ADOPT the magistrate's findings in  
 25 full.

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<sup>1</sup> Additionally, the magistrate judge suspected that one of the plaintiffs' signatures was a forgery. This court is also suspect of the authenticity of both signatures.

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1 || Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' application to  
3 proceed in forma pauperis (doc. # 3) be, and the same hereby, is DENIED.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the report and  
5 recommendation of Magistrate Judge Leen (doc. # 5) be, and the same hereby, is ADOPTED in its  
6 entirety.

7 IT IS FURTHER ORDERED that the action be dismissed without prejudice. The clerk of  
8 the court shall close the case.

9 DATED July 3, 2013.

X James C. Mahan  
**UNITED STATES DISTRICT JUDGE**